

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LAZARO REYES CRUZ, on behalf of himself, FLSA
Collective Plaintiffs, and the Class

Plaintiff,

- against -

70-30 AUSTIN STREET BAKERY INC. d/b/a
MARTHA'S COUNTRY BAKERY; 41-06 BELL
BLVD. BAKERY LLC d/b/a MARTHA'S COUNTRY
BAKERY; G.V.S. BAKERY, INC. d/b/a MARTHA'S
COUNTRY BAKERY; MARTHA'S COUNTRY
BAKERY 2 LLC d/b/a MARTHA'S COUNTRY
BAKERY; MARTHA'S COUNTRY BAKERY 3 LLC
d/b/a MARTHA'S COUNTRY BAKERY; GEORGE
STERTISIOS, and ANTONIO ZANNIKOS,

Defendants.

No. 18-CV-7408 (PAE)(HBP)

**DECLARATION OF VINCENT M. AVERY
IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION FOR CONDITIONAL CERTIFICATION OF A COLLECTIVE ACTION**

I, VINCENT M. AVERY, declare as follows:

1. I am a Partner with the law firm of Akerman, LLP, and counsel for all Defendants in this matter. I make this declaration of my own personal knowledge.

2. Attached to this declaration as Exhibit 1 is a true and correct copy of the Declaration of Edmundo Ramos Mata in support of his Motion for Conditional Certification of a Collective Action in *Mata v. Foodbridge LLC*, No. 14-CIV-8754 (ER), 2015 WL 3457293 (S.D.N.Y. June 1, 2015).

3. Attached to this declaration as Exhibit 2 is a true and correct copy of the Declaration of Gabino Sanchez in support of his Motion for Conditional Certification of a

Collective Action in *Sanchez v. JMP Ventures, L.L.C.*, No. 13-CIV-7264 (KBF), 2014 WL 465542 (S.D.N.Y. Jan. 27, 2014).

4. Attached to this declaration as Exhibit 3 is a true and correct copy of an assortment of cash payment vouchers issued to Plaintiff between 2015 and 2018.

5. Attached to this declaration as Exhibit 4 is a true and correct copy of Plaintiff's 206 and 2017 time records and corresponding cash payment vouchers.

6. At this time, Defendants respectfully request that this Court deny Plaintiff's Motion for Conditional Certification.

Dated: New York, New York
January 11, 2019

Respectfully Submitted,

AKERMAN LLP

By: /s/ Vincent Avery
Vincent M. Avery, Esq.

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Attorneys for Defendants